

## APPENDIX A

**Established:** AB 797, Klehs, 1983

**Amended:** AB 2661, Klehs, 1990

AB 11X, Filante, 1991

AB 1869, Speier, 1991

AB 892, Frazee, 1993

SB 1017, McCorquodale, 1994

AB 2853, Cortese, 1994

AB 1845, Cortese, 1995

SB 1011, Polanco, 1995

AB 2552, Bates, 2000

SB 553, Kelley, 2000

SB 610, Costa, 2001

AB 901, Daucher, 2001

SB 672, Machado, 2001

SB 1348, Brulte, 2002

SB 1384, Costa, 2002

SB 1518, Torlakson, 2002

AB 105, Wiggins, 2004

SB 318, Alpert, 2004

## **CALIFORNIA WATER CODE DIVISION 6 PART 2.6. URBAN WATER MANAGEMENT PLANNING**

### **CHAPTER 1. GENERAL DECLARATION AND POLICY**

10610. This part shall be known and may be cited as the "Urban Water Management Planning Act."

10610.2. (a) The Legislature finds and declares all of the following:

- (1) The waters of the state are a limited and renewable resource subject to ever-increasing demands.
- (2) The conservation and efficient use of urban water supplies are of statewide concern; however, the planning for that use and the implementation of those plans can best be accomplished at the local level.
- (3) A long-term, reliable supply of water is essential to protect the productivity of California's businesses and economic climate.
- (4) As part of its long-range planning activities, every urban water supplier should make every effort to ensure the appropriate level of reliability in

its water service sufficient to meet the needs of its various categories of customers during normal, dry, and multiple dry water years.

- (5) Public health issues have been raised over a number of contaminants that have been identified in certain local and imported water supplies.
- (6) Implementing effective water management strategies, including groundwater storage projects and recycled water projects, may require specific water quality and salinity targets for meeting groundwater basins water quality objectives and promoting beneficial use of recycled water.
- (7) Water quality regulations are becoming an increasingly important factor in water agencies' selection of raw water sources, treatment alternatives, and modifications to existing treatment facilities.
- (8) Changes in drinking water quality standards may also impact the usefulness of water supplies and may ultimately impact supply reliability.
- (9) The quality of source supplies can have a significant impact on water management strategies and supply reliability.

(b) This part is intended to provide assistance to water agencies in carrying out their long-term resource planning responsibilities to ensure adequate water supplies to meet existing and future demands for water.

10610.4. The Legislature finds and declares that it is the policy of the state as follows:

- (a) The management of urban water demands and efficient use of water shall be actively pursued to protect both the people of the state and their water resources.
- (b) The management of urban water demands and efficient use of urban water supplies shall be a guiding criterion in public decisions.
- (c) Urban water suppliers shall be required to develop water management plans to actively pursue the efficient use of available supplies.

## **CHAPTER 2. DEFINITIONS**

10611. Unless the context otherwise requires, the definitions of this chapter govern the construction of this part.

10611.5. "Demand management" means those water conservation measures, programs, and incentives that prevent the waste of water and promote the reasonable and efficient use and reuse of available supplies.

10612. "Customer" means a purchaser of water from a water supplier who uses the water for municipal purposes, including residential, commercial, governmental, and industrial uses.

10613. "Efficient use" means those management measures that result in the most effective use of water so as to prevent its waste or unreasonable use or unreasonable method of use.

10614. "Person" means any individual, firm, association, organization, partnership, business, trust, corporation, company, public agency, or any agency of such an entity.

10615. "Plan" means an urban water management plan prepared pursuant to this part. A plan shall describe and evaluate sources of supply, reasonable and practical efficient uses, reclamation and demand management activities. The components of the plan may vary according to an individual community or area's characteristics and its capabilities to efficiently use and conserve water. The plan shall address measures for residential, commercial, governmental, and industrial water demand management as set forth in Article 2 (commencing with Section 10630) of Chapter 3. In addition, a strategy and time schedule for implementation shall be included in the plan.

10616. "Public agency" means any board, commission, county, city and county, city, regional agency, district, or other public entity.

10616.5. "Recycled water" means the reclamation and reuse of wastewater for beneficial use.

10617. "Urban water supplier" means a supplier, either publicly or privately owned, providing water for municipal purposes either directly or indirectly to more than 3,000 customers or supplying more than 3,000 acre-feet of water annually. An urban water supplier includes a supplier or contractor for water, regardless of the basis of right, which distributes or sells for ultimate resale to customers. This part applies only to water supplied from public water systems subject to Chapter 4 (commencing with Section 116275) of Part 12 of Division 104 of the Health and Safety Code.

### **CHAPTER 3. URBAN WATER MANAGEMENT PLANS**

#### **Article 1. General Provisions**

10620.

- (a) Every urban water supplier shall prepare and adopt an urban water management plan in the manner set forth in Article 3 (commencing with Section 10640).

- (b) Every person that becomes an urban water supplier shall adopt an urban water management plan within one year after it has become an urban water supplier.
- (c) An urban water supplier indirectly providing water shall not include planning elements in its water management plan as provided in Article 2 (commencing with Section 10630) that would be applicable to urban water suppliers or public agencies directly providing water, or to their customers, without the consent of those suppliers or public agencies.
- (d)
  - (1) An urban water supplier may satisfy the requirements of this part by participation in areawide, regional, watershed, or basinwide urban water management planning where those plans will reduce preparation costs and contribute to the achievement of conservation and efficient water use.
  - (2) Each urban water supplier shall coordinate the preparation of its plan with other appropriate agencies in the area, including other water suppliers that share a common source, water management agencies, and relevant public agencies, to the extent practicable.
- (e) The urban water supplier may prepare the plan with its own staff, by contract, or in cooperation with other governmental agencies.
- (f) An urban water supplier shall describe in the plan water management tools and options used by that entity that will maximize resources and minimize the need to import water from other regions.

10621.

- (a) Each urban water supplier shall update its plan at least once every five years on or before December 31, in years ending in five and zero.
- (b) Every urban water supplier required to prepare a plan pursuant to this part shall notify any city or county within which the supplier provides water supplies that the urban water supplier will be reviewing the plan and considering amendments or changes to the plan. The urban water supplier may consult with, and obtain comments from, any city or county that receives notice pursuant to this subdivision.
- (c) The amendments to, or changes in, the plan shall be adopted and filed in the manner set forth in Article 3 (commencing with Section 10640).

## **Article 2. Contents of Plans**

10630. It is the intention of the Legislature, in enacting this part, to permit levels of water management planning commensurate with the numbers of customers served and the volume of water supplied.

10631. A plan shall be adopted in accordance with this chapter and shall do all of the following:

- (a) Describe the service area of the supplier, including current and projected population, climate, and other demographic factors affecting the supplier's water management planning. The projected population estimates shall be based upon data from the state, regional, or local service agency population projections within the service area of the urban water supplier and shall be in five-year increments to 20 years or as far as data is available.
- (b) Identify and quantify, to the extent practicable, the existing and planned sources of water available to the supplier over the same five-year increments described in subdivision (a). If groundwater is identified as an existing or planned source of water available to the supplier, all of the following information shall be included in the plan:

- (1) A copy of any groundwater management plan adopted by the urban water supplier, including plans adopted pursuant to Part 2.75 (commencing with Section 10750), or any other specific authorization for groundwater management.
- (2) A description of any groundwater basin or basins from which the urban water supplier pumps groundwater. For those basins for which a court or the board has adjudicated the rights to pump groundwater, a copy of the order or decree adopted by the court or the board and a description of the amount of groundwater the urban water supplier has the legal right to pump under the order or decree.

For basins that have not been adjudicated, information as to whether the department has identified the basin or basins as overdrafted or has projected that the basin will become overdrafted if present management conditions continue, in the most current official departmental bulletin that characterizes the condition of the groundwater basin, and a detailed description of the efforts being undertaken by the urban water supplier to eliminate the long-term overdraft condition.

- (3) A detailed description and analysis of the location, amount, and sufficiency of groundwater pumped by the urban water supplier for the past five years. The description and analysis shall be based on information that is reasonably available, including, but not limited to, historic use records.

- (4) A detailed description and analysis of the amount and location of groundwater that is projected to be pumped by the urban water supplier. The description and analysis shall be based on information that is reasonably available, including, but not limited to, historic use records.
- (c) Describe the reliability of the water supply and vulnerability to seasonal or climatic shortage, to the extent practicable, and provide data for each of the following:
  - (1) An average water year.
  - (2) A single dry water year.
  - (3) Multiple dry water years.

For any water source that may not be available at a consistent level of use, given specific legal, environmental, water quality, or climatic factors, describe plans to supplement or replace that source with alternative sources or water demand management measures, to the extent practicable.

- (d) Describe the opportunities for exchanges or transfers of water on a short-term or long-term basis.
- (e)
  - (1) Quantify, to the extent records are available, past and current water use, over the same five-year increments described in subdivision (a), and projected water use, identifying the uses among water use sectors including, but not necessarily limited to, all of the following uses:
    - (A) Single-family residential.
    - (B) Multifamily.
    - (C) Commercial.
    - (D) Industrial.
    - (E) Institutional and governmental.
    - (F) Landscape.
    - (G) Sales to other agencies.
    - (H) Saline water intrusion barriers, groundwater recharge, or conjunctive use, or any combination thereof.
    - (I) Agricultural.
  - (2) The water use projections shall be in the same five-year increments described in subdivision (a).

- (f) Provide a description of the supplier's water demand management measures. This description shall include all of the following:
  - (1) A description of each water demand management measure that is currently being implemented, or scheduled for implementation, including the steps necessary to implement any proposed measures, including, but not limited to, all of the following:
    - (A) Water survey programs for single-family residential and multifamily residential customers.
    - (B) Residential plumbing retrofit.
    - (C) System water audits, leak detection, and repair.
    - (D) Metering with commodity rates for all new connections and retrofit of existing connections.
    - (E) Large landscape conservation programs and incentives.
    - (F) High-efficiency washing machine rebate programs.
    - (G) Public information programs.
    - (H) School education programs.
    - (I) Conservation programs for commercial, industrial, and institutional accounts.
    - (J) Wholesale agency programs.
    - (K) Conservation pricing.
    - (L) Water conservation coordinator.
    - (M) Water waste prohibition.
    - (N) Residential ultra-low-flush toilet replacement programs.
  - (2) A schedule of implementation for all water demand management measures proposed or described in the plan.
  - (3) A description of the methods, if any, that the supplier will use to evaluate the effectiveness of water demand management measures implemented or described under the plan.



- (4) An estimate, if available, of existing conservation savings on water use within the supplier's service area, and the effect of the savings on the supplier's ability to further reduce demand.
- (g) An evaluation of each water demand management measure listed in paragraph (1) of subdivision (f) that is not currently being implemented or scheduled for implementation. In the course of the evaluation, first consideration shall be given to water demand management measures, or combination of measures, that offer lower incremental costs than expanded or additional water supplies. This evaluation shall do all of the following:
  - (1) Take into account economic and noneconomic factors, including environmental, social, health, customer impact, and technological factors.
  - (2) Include a cost-benefit analysis, identifying total benefits and total costs.
  - (3) Include a description of funding available to implement any planned water supply project that would provide water at a higher unit cost.
  - (4) Include a description of the water supplier's legal authority to implement the measure and efforts to work with other relevant agencies to ensure the implementation of the measure and to share the cost of implementation.
- (h) Include a description of all water supply projects and water supply programs that may be undertaken by the urban water supplier to meet the total projected water use as established pursuant to subdivision (a) of Section 10635. The urban water supplier shall include a detailed description of expected future projects and programs, other than the demand management programs identified pursuant to paragraph (1) of subdivision (f), that the urban water supplier may implement to increase the amount of the water supply available to the urban water supplier in average, single-dry, and multiple-dry water years. The description shall identify specific projects and include a description of the increase in water supply that is expected to be available from each project. The description shall include an estimate with regard to the implementation timeline for each project or program.
- (i) Describe the opportunities for development of desalinated water, including, but not limited to, ocean water, brackish water, and groundwater, as a long-term supply.
- (j) Urban water suppliers that are members of the California Urban Water Conservation Council and submit annual reports to that council

in accordance with the "Memorandum of Understanding Regarding Urban Water Conservation in California," dated September 1991, may submit the annual reports identifying water demand management measures currently being implemented, or scheduled for implementation, to satisfy the requirements of subdivisions (f) and (g).

- (k) Urban water suppliers that rely upon a wholesale agency for a source of water, shall provide the wholesale agency with water use projections from that agency for that source of water in five-year increments to 20 years or as far as data is available. The wholesale agency shall provide information to the urban water supplier for inclusion in the urban water supplier's plan that identifies and quantifies, to the extent practicable, the existing and planned sources of water as required by subdivision (b), available from the wholesale agency to the urban water supplier over the same five-year increments, and during various water-year types in accordance with subdivision (c). An urban water supplier may rely upon water supply information provided by the wholesale agency in fulfilling the plan informational requirements of subdivisions (b) and (c), including, but not limited to, ocean water, brackish water, and groundwater, as a long-term supply.

10631.5. The department shall take into consideration whether the urban water supplier is implementing or scheduled for implementation, the water demand management activities that the urban water supplier identified in its urban water management plan, pursuant to Section 10631, in evaluating applications for grants and loans made available pursuant to Section 79163. The urban water supplier may submit to the department copies of its annual reports and other relevant documents to assist the department in determining whether the urban water supplier is implementing or scheduling the implementation of water demand management activities.

10632. The plan shall provide an urban water shortage contingency analysis which includes each of the following elements which are within the authority of the urban water supplier:

- (a) Stages of action to be undertaken by the urban water supplier in response to water supply shortages, including up to a 50 percent reduction in water supply, and an outline of specific water supply conditions which are applicable to each stage.
- (b) An estimate of the minimum water supply available during each of the next three water years based on the driest three-year historic sequence for the agency's water supply.
- (c) Actions to be undertaken by the urban water supplier to prepare for, and implement during, a catastrophic interruption of water supplies including,

but not limited to, a regional power outage, an earthquake, or other disaster.

- (d) Additional, mandatory prohibitions against specific water use practices during water shortages, including, but not limited to, prohibiting the use of potable water for street cleaning.
- (e) Consumption reduction methods in the most restrictive stages. Each urban water supplier may use any type of consumption reduction methods in its water shortage contingency analysis that would reduce water use, are appropriate for its area, and have the ability to achieve a water use reduction consistent with up to a 50 percent reduction in water supply.
- (f) Penalties or charges for excessive use, where applicable.
- (g) An analysis of the impacts of each of the actions and conditions described in subdivisions (a) to (f), inclusive, on the revenues and expenditures of the urban water supplier, and proposed measures to overcome those impacts, such as the development of reserves and rate adjustments.
- (h) A draft water shortage contingency resolution or ordinance.
- (i) A mechanism for determining actual reductions in water use pursuant to the urban water shortage contingency analysis.

10633. The plan shall provide, to the extent available, information on recycled water and its potential for use as a water source in the service area of the urban water supplier. The preparation of the plan shall be coordinated with local water, wastewater, groundwater, and planning agencies that operate within the supplier's service area, and shall include all of the following:

- (a) A description of the wastewater collection and treatment systems in the supplier's service area, including a quantification of the amount of wastewater collected and treated and the methods of wastewater disposal.
- (b) A description of the quantity of treated wastewater that meets recycled water standards, is being discharged, and is otherwise available for use in a recycled water project.
- (c) A description of the recycled water currently being used in the supplier's service area, including, but not limited to, the type, place, and quantity of use.

- (d) A description and quantification of the potential uses of recycled water, including, but not limited to, agricultural irrigation, landscape irrigation, wildlife habitat enhancement, wetlands, industrial reuse, groundwater recharge, and other appropriate uses, and a determination with regard to the technical and economic feasibility of serving those uses.
- (e) The projected use of recycled water within the supplier's service area at the end of 5, 10, 15, and 20 years, and a description of the actual use of recycled water in comparison to uses previously projected pursuant to this subdivision.
- (f) A description of actions, including financial incentives, which may be taken to encourage the use of recycled water, and the projected results of these actions in terms of acre-feet of recycled water used per year.
- (g) A plan for optimizing the use of recycled water in the supplier's service area, including actions to facilitate the installation of dual distribution systems, to promote recirculating uses, to facilitate the increased use of treated wastewater that meets recycled water standards, and to overcome any obstacles to achieving that increased use.

10634. The plan shall include information, to the extent practicable, relating to the quality of existing sources of water available to the supplier over the same five-year increments as described in subdivision (a) of Section 10631, and the manner in which water quality affects water management strategies and supply reliability.

## **Article 2.5 Water Service Reliability**

10635.

- (a) Every urban water supplier shall include, as part of its urban water management plan, an assessment of the reliability of its water service to its customers during normal, dry, and multiple dry water years. This water supply and demand assessment shall compare the total water supply sources available to the water supplier with the total projected water use over the next 20 years, in five-year increments, for a normal water year, a single dry water year, and multiple dry water years. The water service reliability assessment shall be based upon the information compiled pursuant to Section 10631, including available data from state, regional, or local agency population projections within the service area of the urban water supplier.

- (b) The urban water supplier shall provide that portion of its urban water management plan prepared pursuant to this article to any city or county within which it provides water supplies no later than 60 days after the submission of its urban water management plan.
- (c) Nothing in this article is intended to create a right or entitlement to water service or any specific level of water service.
- (d) Nothing in this article is intended to change existing law concerning an urban water supplier's obligation to provide water service to its existing customers or to any potential future customers.

### **Articl 3. Adoption and Implementation of Plans**

10640. Every urban water supplier required to prepare a plan pursuant to this part shall prepare its plan pursuant to Article 2 (commencing with Section 10630).

The supplier shall likewise periodically review the plan as required by Section 10621, and any amendments or changes required as a result of that review shall be adopted pursuant to this article.

10641. An urban water supplier required to prepare a plan may consult with, and obtain comments from, any public agency or state agency or any person who has special expertise with respect to water demand management methods and techniques.

10642. Each urban water supplier shall encourage the active involvement of diverse social, cultural, and economic elements of the population within the service area prior to and during the preparation of the plan. Prior to adopting a plan, the urban water supplier shall make the plan available for public inspection and shall hold a public hearing thereon. Prior to the hearing, notice of the time and place of hearing shall be published within the jurisdiction of the publicly owned water supplier pursuant to Section 6066 of the Government Code. The urban water supplier shall provide notice of the time and place of hearing to any city or county within which the supplier provides water supplies. A privately owned water supplier shall provide an equivalent notice within its service area. After the hearing, the plan shall be adopted as prepared or as modified after the hearing.

10643. An urban water supplier shall implement its plan adopted pursuant to this chapter in accordance with the schedule set forth in its plan.

10644.

- (a) An urban water supplier shall file with the department and any city or county within which the supplier provides water supplies a copy of its plan no later than 30 days after adoption. Copies of amendments or changes to the

plans shall be filed with the department and any city or county within which the supplier provides water supplies within 30 days after adoption.

- (b) The department shall prepare and submit to the Legislature, on or before December 31, in the years ending in six and one, a report summarizing the status of the plans adopted pursuant to this part. The report prepared by the department shall identify the outstanding elements of the individual plans. The department shall provide a copy of the report to each urban water supplier that has filed its plan with the department. The department shall also prepare reports and provide data for any legislative hearings designed to consider the effectiveness of plans submitted pursuant to this part.

10645. Not later than 30 days after filing a copy of its plan with the department, the urban water supplier and the department shall make the plan available for public review during normal business hours.

#### **CHAPTER 4. MISCELLANEOUS PROVISIONS**

10650. Any actions or proceedings to attack, review, set aside, void, or annul the acts or decisions of an urban water supplier on the grounds of noncompliance with this part shall be commenced as follows:

- (a) An action or proceeding alleging failure to adopt a plan shall be commenced within 18 months after that adoption is required by this part.
- (b) Any action or proceeding alleging that a plan, or action taken pursuant to the plan, does not comply with this part shall be commenced within 90 days after filing of the plan or amendment thereto pursuant to Section 10644 or the taking of that action.

10651. In any action or proceeding to attack, review, set aside, void, or annul a plan, or an action taken pursuant to the plan by an urban water supplier on the grounds of noncompliance with this part, the inquiry shall extend only to whether there was a prejudicial abuse of discretion. Abuse of discretion is established if the supplier has not proceeded in a manner required by law or if the action by the water supplier is not supported by substantial evidence.

10652. The California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) does not apply to the preparation and adoption of plans pursuant to this part or to the implementation of actions taken pursuant to Section 10632. Nothing in this part shall be interpreted as exempting from the California Environmental Quality Act any project that would significantly affect water supplies for fish and wildlife, or any project for implementation of the plan, other than projects implementing Section 10632, or any project for expanded or additional water supplies.

10653. The adoption of a plan shall satisfy any requirements of state law, regulation, or order, including those of the State Water Resources Control Board and the Public Utilities Commission, for the preparation of water management plans or conservation plans; provided, that if the State Water Resources Control Board or the Public Utilities Commission requires additional information concerning water conservation to implement its existing authority, nothing in this part shall be deemed to limit the board or the commission in obtaining that information. The requirements of this part shall be satisfied by any urban water demand management plan prepared to meet federal laws or regulations after the effective date of this part, and which substantially meets the requirements of this part, or by any existing urban water management plan which includes the contents of a plan required under this part.

10654. An urban water supplier may recover in its rates the costs incurred in preparing its plan and implementing the reasonable water conservation measures included in the plan. Any best water management practice that is included in the plan that is identified in the "Memorandum of Understanding Regarding Urban Water Conservation in California" is deemed to be reasonable for the purposes of this section.

10655. If any provision of this part or the application thereof to any person or circumstances is held invalid, that invalidity shall not affect other provisions or applications of this part which can be given effect without the invalid provision or application thereof, and to this end the provisions of this part are severable.

10656. An urban water supplier that does not prepare, adopt, and submit its urban water management plan to the department in accordance with this part, is ineligible to receive funding pursuant to Division 24 (commencing with Section 78500) or Division 26 (commencing with Section 79000), or receive drought assistance from the state until the urban water management plan is submitted pursuant to this article.

10657.

- (a) The department shall take into consideration whether the urban water supplier has submitted an updated urban water management plan that is consistent with Section 10631, as amended by the act that adds this section, in determining whether the urban water supplier is eligible for funds made available pursuant to any program administered by the department.
- (b) This section shall remain in effect only until January 1, 2006, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2006, deletes or extends that date.

## **APPENDIX B**



## **Pittsburg Municipal Code Chapter 13.18 Water Conservation**

### **13.18.010 Findings and purpose.**

The city council finds:

A. The city has experienced five years of drought conditions which have resulted in the existence of a critical water shortage. The city's water is supplied by the Contra Costa Water District (the "district"). Earlier this year, the district informed the city that in 1991 the district would only deliver to the city seventy-two percent (72%) of the water used by the city in 1990 for all uses.

B. In response to the district's reduction of water delivered to the city, on April 15, 1991, the City Council adopted Ordinance No. 91-1003. That ordinance declared the existence of an emergency condition and imposed a voluntary water rationing program. The ordinance also raised rates charged for water within the city, and authorized the imposition of a mandatory water rationing program if the voluntary program failed to achieve the necessary reduction in water use.

C. The district has now notified the city that the district will deliver to the city eighty-five percent (85%) of the water used by the city in 1990 for all uses. This represents a fifteen percent (15%) reduction, rather than the previously announced twenty-eight percent (28%) reduction. This change allows the city to make immediate changes in its water conservation program, and allows a reduction in the rates the city charges for the delivery of water.

D. An emergency condition continues to exist in that ordinary demands and requirements of the consumers of the water treated by the city cannot be met without some reduction in the city's use of water. However, the reduction required is not as great as previously necessary. Voluntary steps are necessary to avoid the unnecessary depletion of available water supplies which could result in insufficient water for human consumption, sanitation and fire protection.

E. The city council has determined that it is necessary to adopt the ordinance codified in this chapter in order to reduce the use of water in the city. The ordinance codified in this chapter is adopted pursuant to Government Code Sections 36934 and 36937 and is necessary for the immediate preservation of the public health, peace or safety. This chapter is necessary in order to conserve the water supply of the city for the greatest public benefit, with particular regard to public health, fire protection and domestic use; to conserve water by reducing waste; to reduce water use generally in a fair and equitable manner, and to avoid the payment of water rates in excess of those rates actually necessary and appropriate. A declaration of the facts constituting the urgency is as set forth in this section. Ordinance No. 91-1003 is hereby amended in its entirety and repealed to the extent necessary to read as set forth herein.

F. Consistent with the district's reduced allocation to the city, it is the intent of this chapter to reduce the total amount of water used in the city during 1991 by at least fifteen percent (15%). This requires steps to eliminate waste and nonessential use of water.

(Ord. 1013 § 1, 1991; Ord. 1003 § 1, 1991.)

### **13.18.020 Voluntary reduction of water use.**

While this chapter is in effect, all water users in the city shall use their best efforts to voluntarily reduce their water consumption by fifteen percent as compared to use during 1990. (Ord. 1013 § 2, 1991; Ord. 1003 § 2, 1991.)

### **13.18.030 Waste of water prohibited.**

A. No person shall waste any water provided by the city.

B. Waste of water shall include without limitation:

1. Permitting water to flow onto a sidewalk, driveway or street, or escape down a gutter, ditch or other service drain;
  2. Irrigating landscaped areas with water in excess of that minimal amount required to sustain plant life, as determined by a staff water audit; and
  3. Failing to repair a controllable leak of water.
- (Ord. 1013 § 3, 1991: Ord. 1003 § 3, 1991.)

### **13.18.040 Nonessential use of water prohibited.**

A. No person shall use any water provided by the city for a nonessential purpose.

B. For purposes of this chapter, each of the following is declared a nonessential use of water:

1. Washing sidewalks, driveways, parking areas, tennis courts, patios or other exterior paved areas except to alleviate a condition inimical to the public health or safety;
  2. The use of water for decorative fountains or pools, except for recycled water approved for such use;
  3. Refilling a swimming pool unless done with recycled water or if required in a public pool for the preservation of the public health or safety;
  4. Filling a new swimming pool except with water from a source approved by the city manager and acceptable to the Contra Costa County health department;
  5. Any use of water from a fire hydrant except for fire protection or a use approved by the city manager which he deems necessary for the public health, safety or welfare;
  6. Watering landscaping planted after the effective date of the ordinance codified in this chapter, except as approved by the City Manager as to landscaping planted in conjunction with a commercial use; and
  7. Using a hose without an automatic shutoff nozzle.
- (Ord. 1013 § 4, 1991: Ord. 1003 § 4, 1991.)

### **13.18.050 Rules and regulations.**

The city council may by resolution adopt rules to implement this chapter (the "rules"). The rules shall be made available to the general public. Once adopted, a provision of the rules shall have the same force and effect as any provision of this chapter. (Ord. 1013 § 5, 1991: Ord. 1003 § 5, 1991.)

### **13.18.060 Program implementation.**

Upon adoption of the ordinance codified in this chapter, the city manager shall take steps to implement Sections 13.18.010 through 13.18.050 of this chapter as a voluntary water rationing program in the city, which program shall begin on August 6, 1991. Effective on that date and while the voluntary water rationing program is in effect, a violation of Sections 13.18.030 or 13.18.040 of this chapter or of rules adopted to implement those sections shall subject a person to the penalties described in Section 13.18.080. A violation of any other section of this ordinance shall not subject a person to the penalties described in Section 13.18.080. (Ord. 1013 § 6, 1991: Ord. 1003 § 6, 1991.)

### **13.18.080 Penalty for violation.**

A. Except as otherwise set forth in this section, a violation of this chapter is an infraction, punishable as set forth in Government Code Section 36900 as follows:

1. A fine of One Hundred Dollars (\$100.00) for a first violation;
2. A fine of Two Hundred Dollars (\$200.00) for a second violation within one (1) year and
3. A fine of Five Hundred Dollars (\$500.00) for a third violation within one (1) year.

B. A violation of this chapter which would otherwise be an infraction is a misdemeanor if a defendant has been convicted of two or more violations of this chapter within one (1) year preceding the commission of the offense. For this purpose a bail forfeiture is a conviction of the offense charged. A person convicted of a misdemeanor under this chapter shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00) or by imprisonment in the county jail for a period of not more than six (6) months, or both. The city may in its discretion prosecute a third violation within one year as an infraction.

C. Each person is guilty of a separate offense for each and every day during any portion of which the violation of this chapter is committed, continued, or permitted by that person.

D. In addition to the penalty provided, a condition caused or permitted to exist in violation of this chapter, whether the violation is an infraction or a misdemeanor, is a public nuisance. It may be abated in accordance with Chapter 1.24 of this code or by civil action. Each day that the condition continues is a new and separate offense.

E. The provisions of this ordinance shall be enforced as described in Chapter 1.16 of this code. The city manager shall designate the city employees which have responsibility for enforcing this chapter. A city employee enforcing this chapter shall have the authority to issue a warning before citing a violation of this chapter, and shall do so in writing before citing a first violation.

(Ord. 1013 § 8, 1991; Ord. 1003 § 8, 1991.)

### **13.18.090 Conflicting provisions superseded.**

The provisions of this chapter supersede any conflicting provisions contained in this code, including without limitation the provisions of this title. (Ord. 1013 § 9, 1991; Ord. 1003 § 9, 1991.)

### **13.18.100 Categorical exemption.**

The city council finds that the adoption of the ordinance codified in this chapter is categorically exempt from the provisions of the California Environmental Quality Act under Public Resources Code Section 21080(b)(4), because this chapter contains specific action necessary to prevent or mitigate an emergency. The city manager is directed to file an appropriate notice of exemption. (Ord. 1013 § 10, 1991; Ord. 1003 § 10, 1991.)

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Declaring the Existence of a Water )  
Shortage Emergency Condition, )  
Restricting the Use of Water )  
Provided by the City of Pittsburg, )  
Prohibiting Wasteful and )  
Non-essential Use of Water, )  
Imposing Other Restrictions and )  
Declaring this to be an Urgency )  
Ordinance )

Ordinance No. 91-1003

The City Council of the City of Pittsburg DOES ORDAIN as follows:

Section 1. Findings and Purpose.

The City Council hereby finds:

A. The City has experienced five years of drought conditions which have resulted in the existence of a critical water shortage. The City's water is supplied by the Contra Costa Water District (the "District"). The District has informed the City that in 1991 the District will only deliver to the City 72% of the water used by the City in 1990 for all uses.

B. An emergency condition exists in that ordinary demands and requirements of the consumers of the water treated by the City cannot be met given the District's allocation to the City. Unless urgent and immediate steps are undertaken, available water supplies will be further depleted resulting in insufficient water for human consumption, sanitation and fire protection.

C. The City Council has determined that it is necessary to adopt this ordinance in order to reduce the use of water in the City. This ordinance is adopted pursuant to Government Code sections 36934 and 36937 and is necessary for the immediate preservation of the public health, peace or safety. This ordinance is necessary in order to conserve the water supply of the City for the greatest public benefit, with particular regard to public health, fire protection and domestic use; to conserve water by reducing waste; and to reduce water use generally in a fair and equitable manner. A declaration of the facts constituting the urgency is as set forth in Section 1 of this ordinance.

D. Consistent with the District's reduced allocation to the City, it is the intent of this ordinance to reduce the total amount of water used in the City during 1991 by at least 28%. This

requires steps to eliminate waste and non-essential use of water, and specific limitations on residential, governmental, commercial and industrial use of water.

Section 2. Service Limitations.

While this ordinance is in effect:

A. The City shall not grant a request for new water service for a commercial or industrial use, unless upon application the City Council first determines that the proposed use is required by the public interest, convenience and necessity. In approving any such application, the City Council shall specify strict limitations on the quantity of water which may be delivered to and utilized by the proposed use.

B. Each residential user of water during calendar year 1991 shall not exceed the allocation specified for that user by the City. Allocations shall be specified in order to reduce aggregate residential use by 28%. Each commercial, industrial and governmental user of water during calendar year 1991 shall not exceed 72% of water used by that user during calendar year 1990.

C. The City Manager or his designee may authorize the delivery of water for a governmental purpose in excess of that otherwise allowed by this ordinance if that water is required solely for public health or sanitation purposes.

Section 3. Waste of Water Prohibited.

A. No person shall waste any water provided by the City.

B. Waste of water shall include without limitation:

1. Permitting water to flow onto a sidewalk, driveway or street, or escape down a gutter, ditch or other service drain;

2. Irrigating landscaped areas with water in excess of that minimal amount required to sustain plant life, as determined by a staff water audit; and

3. Failing to repair a controllable leak of water.

Section 4. Non-essential Use of Water Prohibited.

A. No person shall use any water provided by the City for a non-essential purpose.

B. For purposes of this ordinance, each of the following is declared a non-essential use of water:

1. Washing sidewalks, driveways, parking areas, tennis courts, patios or other exterior paved areas except to alleviate a condition inimical to the public health or safety;
2. The use of water for decorative fountains or pools;
3. Refilling a swimming pool unless done with recycled water or if required in a public pool for the preservation of the public health or safety;
4. Filling a new swimming pool except with water from a source approved by the City Manager and acceptable to the Contra Costa County Health Department;
5. Any use of water from a fire hydrant except for fire protection or a use approved by the City Manager which he deems necessary for the public health, safety or welfare;
6. Watering landscaping planted after the effective date of this ordinance, except as approved by the City Manager as to landscaping planted in conjunction with a commercial use; and
7. Using a hose without an automatic shut-off nozzle.

#### Section 5. Rules and Regulations.

The City Council may by resolution adopt rules to implement this ordinance (the "Rules"). The Rules shall be made available to the general public. Once adopted, a provision of the Rules shall have the same force and effect as any provision of this ordinance. A person who violates the Rules shall be subject to the penalties described in Section 8 of this ordinance. The Rules may provide for surcharges for water a person uses in excess of the allowed allocation. Such surcharges shall be reasonably calculated to reimburse the City for increased costs chargeable to it by the District for water in excess of the City's allocation.

#### Section 6. Voluntary and Mandatory Programs.

A. Upon adoption of this ordinance, the City Manager shall take steps to implement Sections 1 through 5 of this ordinance as a voluntary water rationing program in the City, which program shall begin on May 1, 1991. Effective on that date and while the voluntary water rationing program is in effect, a violation of Sections 3 or 4 of this ordinance or of rules adopted to implement those sections shall subject a person to the penalties described in Section 8. During the voluntary program, a violation of any other section of this ordinance shall not subject a person to the penalties described in Section 8, nor shall water surcharges be imposed as described in Section 5 and the Rules.

B. Beginning May 1, 1991, the City Manager shall monitor water usage in the City. If at any time the City Manager determines that the City is not meeting the objective of reducing water consumption to 72% of 1990 usage, then the City Manager shall certify that fact to the City Council. Upon receipt of the City Manager's certification, the City Council may at a regular or special meeting direct that all provisions of this ordinance shall be enforced as a mandatory water rationing program, after which a violation of any section of this ordinance shall subject the violator to all applicable penalties and water surcharges as provided herein and in the Rules.

Section 7. Water Rate Increases.

The City is incurring additional costs as a result of the water shortage and the implementation of this ordinance. In addition to the rates charged for water delivery under Pittsburgh Municipal Code Chapter 13.12:

A. Effective May 1, 1991, rates the City charges for the delivery of water shall be increased to a level that is 10.4% over the rates charged as of April 30, 1991.

B. Effective on the date the City Council authorizes mandatory rationing as provided in Section 6.B, rates the City charges for the delivery of water shall be increased to a level that is 13% over the rates charged as of April 30, 1991.

Section 8. Penalty for Violation.

A. Except as otherwise set forth in this section, a violation of this ordinance is an infraction, punishable as set forth in Government Code section 36900 as follows:

1. A fine of one hundred dollars (\$100.00) for a first violation;

2. A fine of two hundred dollars (\$200.00) for a second violation within one year; and

3. A fine of five hundred dollars (\$500.00) for a third violation within one year.

B. A violation of this ordinance which would otherwise be an infraction is a misdemeanor if a defendant has been convicted of two or more violations of this ordinance within one year preceding the commission of the offense. For this purpose a bail forfeiture is a conviction of the offense charged. A person convicted of a misdemeanor under this ordinance shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment in the county jail for a period of not more than six

months, or both. The City may in its discretion prosecute a third violation within one year as an infraction.

C. Each person is guilty of a separate offense for each and every day during any portion of which the violation of this ordinance is committed, continued, or permitted by that person.

D. In addition to the penalty provided, a condition caused or permitted to exist in violation of this ordinance, whether the violation is an infraction or a misdemeanor, is a public nuisance. It may be abated in accordance with Pittsburgh Municipal Code Chapter 1.24 or by civil action. Each day that the condition continues is a new and separate offense.

E. The provisions of this ordinance shall be enforced as described in Pittsburgh Municipal Code Chapter 1.16. The City Manager shall designate the City employees which have responsibility for enforcing this ordinance. A City employee enforcing this ordinance shall have the authority to issue a warning before citing a violation of this ordinance, and shall do so in writing before citing a first violation.

#### Section 8. Appeals.

A. A person may appeal a staff decision made in implementing this ordinance as provided in this section. No administrative appeal is available from the issuance of a citation or the filing of a misdemeanor complaint.

B. A person wishing to appeal a decision shall file written notice within ten days after the decision with the City Clerk stating the grounds for the appeal. The appeal shall be heard by a Water Control Referee designated by the City Manager. If requested by the Referee, the appellant shall personally appear before the Referee at a time specified to hear the matter. The Referee shall decide the matter within ten days after receiving the appeal, and shall have the authority to increase or decrease an allocation, and uphold, reverse or modify the decision appealed from.

C. A person may appeal the decision of the Water Control Referee to a Water Control Appeals Board, consisting of three individuals designated by the City Manager. The appellant shall file a written notice of appeal with the City Clerk within ten days after the Referee's decision. The Board shall hear the matter within twenty days of the notice of appeal, and the appellant shall personally appear at the hearing. The Board may uphold, reverse or modify the Referee's determination. The Board's decision is final.



Section 9. Supersedes Conflicting Provisions.

The provisions of this ordinance supersede any conflicting provisions contained in the Pittsburg Municipal Code, including without limitation the provisions of Title 13, Water and Sewers.

Section 10. Effective Date.

This ordinance takes effect immediately and shall remain in effect until December 31, 1991, unless extended or otherwise modified by the City Council before that date.

Section 11. Categorical Exemption.

The City Council finds that the adoption of this ordinance is categorically exempt from the provisions of the California Environmental Quality Act under Public Resources Code section 21080(b)(4), because this ordinance contains specific action necessary to prevent or mitigate an emergency. The City Manager is directed to file an appropriate notice of exemption.

Section 12. Publication.

The City Clerk shall have this ordinance published within 15 days after its adoption in a newspaper of general circulation.

The foregoing ordinance was adopted by a four-fifths vote of the Council and ordered published at a meeting of the Council held on April 15, 1991 as follows:

AYES: Members Currie, Lewis, Parent & Mayor Canciamilla

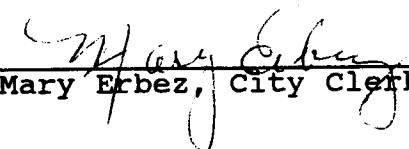
NOES: None.

ABSENT: Member Davis.

ABSTAIN:

  
\_\_\_\_\_  
Joseph E. Canciamilla, Mayor

Attest:

  
\_\_\_\_\_  
Mary Erbez, City Clerk

ordinance\water

# PROOF OF PUBLICATION

(2015.5 C.C.P.)

CITY MANAGER

APR 25 REGD

STATE OF CALIFORNIA  
County of Contra Costa

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter.

I am the Principal Legal Clerk of the California Delta Newspapers, Inc. A newspaper of general circulation, printed and published at 1650 Cavallo Road in the City of Antioch, County of Contra Costa, 94509.

And which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Contra Costa, State of California, under the date of March 26, 1870. Case Number 7467370.

The notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:  
APRIL 23

all in the year of 19 91.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Executed at Antioch, California.

On this 23 day of APRIL, 19 91.

Signature

California Delta Newspapers, Inc.  
Daily Ledger • Post Dispatch • Brentwood News  
P.O. Box 2299  
Antioch, CA 94531-2299  
(415) 757-2525

Proof of Publication of 91-482

ordinance 91-1003

Water Shortage

## BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG In the Matter of:

Declaring the Existence of a Water Shortage Emergency Condition,  
Restricting the Use of Water Provided by the City of Pittsburg,  
Prohibiting Wasteful and Non-essential Use of Water,  
Imposing Other Restrictions and Declaring this to be an Urgency Ordinance

Ordinance No.  
91-1003

The City Council of the City of Pittsburg DOES ORDAIN as follows:

### Section 1. Findings and Purpose.

The City Council hereby finds:

A. The City has experienced five years of drought conditions which have resulted in the existence of a critical water shortage. The City's water is supplied by the Contra Costa Water District (the "District"). The District has informed the City that in 1991 the District will only deliver to the City 72% of the water used by the City in 1990 for all uses.

B. An emergency condition exists in that ordinary demands and requirements of the consumers of the water treated by the City cannot be met given the District's allocation to the City. Unless urgent and immediate steps are undertaken, available water supplies will be further depleted resulting in insufficient water for human consumption, sanitation and fire protection.

C. The City Council has determined that it is necessary to adopt this ordinance in order to reduce the use of water in the City. This ordinance is adopted pursuant to Government Code sections 36034 and 36037 and is necessary for the immediate preservation of the public health, peace or safety. This ordinance is necessary in order to conserve the water supply of the City for the greatest public benefit, with particular regard to public health, fire protection and domestic use; to conserve water by reducing waste; and to reduce water use generally in a fair and equitable manner. A declaration of the facts constituting the urgency is as set forth in Section 1 of this ordinance.

D. Consistent with the District's reduced allocation to the City, it is the intent of this ordinance to reduce the total amount of water used in the City during 1991 by at least 25%. This requires steps to eliminate waste and non-essential use of water, and specific limitations on residential, governmental, commercial and industrial use of water.

### Section 2. Service Limitations.

While this ordinance is in effect:

A. The City shall not grant a request for new water service for a commercial or industrial use, unless upon application the City Council first determines that the proposed use is required by the public interest, convenience and necessity. In approving any such application, the City Council shall specify strict limitations on the quantity of water which may be delivered to and utilized by the proposed use.

B. Each residential user of water during calendar year 1991 shall not exceed the allocation specified for that user by the City. Allocations shall be specified in order to reduce aggregate residential use of 25%. Each commercial, industrial and governmental user of water during calendar year 1991 shall not exceed 72% of water used by that user during calendar year 1990.

C. The City Manager or his designee may authorize the delivery of water for a governmental purpose in excess of that otherwise allowed by this ordinance if that water is required solely for public health or sanitation purposes.

### Section 3. Waste of Water Prohibited.

A. No person shall waste any water provided by the City.

B. Waste of water shall include without limitation:

1. Permitting water to flow onto a sidewalk, driveway or street, or escape down a gutter, ditch or other service drain;

2. Irrigating landscaped areas with water in excess of that minimal amount required to sustain plant life, as determined by a staff water audit.

**2. Failure to repair a controllable leak of water.**

**Section 4. Prohibited Use of Water Prohibited.**

A. No person shall use any water provided by the City for a non-essential purpose.

B. For purposes of this ordinance, each of the following is declared a non-essential use of water:

1. Washing sidewalks, driveways, parking areas, tennis courts, patios or other exterior paved areas except to alleviate a condition inimical to the public health or safety;
2. The use of water for decorative fountains or pools;
3. Refilling a swimming pool unless done with recycled water or if required in a public pool for the preservation of the public health or safety;
4. Filling a new swimming pool except with water from a source approved by the City Manager and acceptable to the Contra Costa County Health Department;
5. Any use of water from a fire hydrant except for fire protection or a use approved by the City Manager which he deems necessary for the public health, safety or welfare;
6. Watering landscaping planted after the effective date of this ordinance, except as approved by the City Manager as to landscaping planted in conjunction with a commercial use; and
7. Using a hose without an automatic shut-off nozzle.

**Section 5. Rules and Regulations.**

The City Council may by resolution adopt rules to implement this ordinance (the "Rules"). The Rules shall be made available to the general public. Once adopted, a provision of the Rules shall have the same force and effect as any provision of this ordinance. A person who violates the Rules shall be subject to the penalties described in Section 8 of this ordinance. The Rules may provide for surcharges for water a person uses in excess of the allowed allocation. Such surcharges shall be reasonably calculated to reimburse the City for increased costs chargeable to it by the District for water in excess of the City's allocation.

**Section 6. Voluntary and Mandatory Programs.**

A. Upon adoption of this ordinance, the City Manager shall take steps to implement Sections 1 through 5 of this ordinance as a voluntary water rationing program in the City, which program shall begin on May 1, 1991. Effective on that date and while the voluntary water rationing program is in effect, a violation of Sections 3 or 4 of this ordinance or of rules adopted to implement those sections shall subject a person to the penalties described in Section 8. During the voluntary program, a violation of any other section of this ordinance shall not subject a person to the penalties described in Section 8, nor shall water surcharges be imposed as described in Section 5 and the Rules.

B. Beginning May 1, 1991, the City Manager shall monitor water usage in the City. If at any time the City Manager determines that the City is not meeting the objective of reducing water consumption to 72% of 1990 usage, then the City Manager shall certify that fact to the City Council. Upon receipt of the City Manager's certification, the City Council may at a regular or special meeting direct that all provisions of this ordinance shall be enforced as a mandatory water rationing program, after which a violation of any section of this ordinance shall subject the violator to all applicable penalties and water surcharges as provided herein and in the Rules.

**Section 7. Water Rate Increases.**

The City is incurring additional costs as a result of the water shortage and the implementation of this ordinance. In addition to the rates charged for water delivery under Pittsburg Municipal Code Chapter 13.12.

A. Effective May 1, 1991, rates the City charges for the delivery of water shall be increased to a level that is 10.4% over the rates charged as of April 30, 1991.

B. Effective on the date the City Council authorizes mandatory rationing as provided in Section 6.B, rates the City charges for the delivery of water shall be increased to a level that is 13% over the rates charged as of April 30, 1991.

**Section 8. Penalty for Violation.**

A. Except as otherwise set forth in this section, a violation of this ordinance is an infraction, punishable as set forth in Government Code section 36900 as follows:

1. A fine of one hundred dollars (\$100.00) for a first violation;
2. A fine of two hundred dollars (\$200.00) for the second violation within one year;

and

3. A fine of five hundred dollars (\$500.00) for a third violation within one year.

B. A violation of this ordinance which would otherwise be an infraction is a misdemeanor if a defendant has been convicted of two or more violations of this ordinance within one year preceding the commission of the offense. For this purpose a bail forfeiture is a conviction of the offense charged. A person convicted of a misdemeanor under this ordinance shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment in the county jail for a period of not more than six months, or both. The City may in its discretion prosecute a third violation within one year as an infraction.

C. Each person is guilty of a separate offense for each and every day during any portion of which the violation of this ordinance is committed, continued, or permitted by that person.

D. In addition to the penalty provided, a condition caused or permitted to exist in violation of this ordinance, whether the violation is an infraction or a misdemeanor, is a public nuisance. It may be abated in accordance with Pittsburg Municipal Code Chapter 1.24 or by civil action. Each day that the condition continues is a new and separate offense.

E. The provisions of this ordinance shall be enforced as described in Pittsburg Municipal Code Chapter 1.34. The City Manager shall designate the City employees which have responsibility for enforcing this ordinance. A City employee enforcing this ordinance shall have the authority to issue a warning before citing a violation of this ordinance, and shall do so in writing before citing a first violation.

**Section 8. Appeals.**

A. A person may appeal a staff decision made in implementing this order as provided in this section. No administrative appeal is available from the issuance of a citation or the filing of a misdemeanor complaint.

B. A person wishing to appeal a decision shall file written notice within ten days after the decision with the City Clerk stating the grounds for the appeal. The appeal shall be heard by a Water Control Referee, the appellant shall personally appear before the Referee at a time specified to hear the matter. The Referee shall decide the matter within ten days after receiving the appeal, and shall have the authority to increase or decrease an allocation, and uphold, reverse or modify the decision appealed from.

C. A person may appeal the decision of the Water Control Referee to a Water Control Appeals Board, consisting of three individuals designated by the City Manager. The appellant shall file a written notice of appeal with the City Clerk within ten days after the Referee's decision. The Board shall hear the matter within twenty days of the notice of appeal, and the appellant shall personally appear at the hearing. The Board may uphold, reverse or modify the Referee's determination. The Board's decision is final.

**Section 9. Supersedes Conflicting Provision.**

The provisions of this ordinance supersede any conflicting provisions contained in the Pittsburg Municipal Code, including without limitation the provisions of Title 13, Water and Sewers.

**Section 10. Effective Date.**

This ordinance takes effect immediately and shall remain in effect until December 31, 1991, unless extended or otherwise modified by the City Council before that date.

**Section 11. Categorical Exemption.**

The City Council finds that the adoption of this ordinance is categorically exempt from the provisions of the California Environmental Quality Act under Public Resources Code section 21000(b) (4), because this ordinance contains specific action necessary to prevent or mitigate an emergency. The City Manager is directed to file an appropriate notice of exemption.

**Section 12. Publication.**

The City Clerk shall have this ordinance published within 15 days after its adoption in a newspaper of general circulation.

The foregoing ordinance was adopted by a four-fifths vote of the Council and ordered published at a meeting of the Council held on April 15, 1991 as follows:

AYES: Members Currie, Lewis, Parent & Mayor Canciamilla

NOES: None.

ABSENT: Member Davis.

ABSTAIN:

/s/ Joseph E.

Canciamilla, Mayor

Attest:

/s/ Mary Erbez,

City Clerk

Legal 91-482

Publish: April 23, 1991.

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Amending Ordinance No. 91-1003	)	
Regarding Conservation of Water,	)	
Revising Water Rates and Declaring	)	Ordinance No. 91-1013
this to be an Urgency Measure	)	

The City Council of the City of Pittsburg DOES ORDAIN as follows:

Section 1. Findings and Purpose.

The City Council hereby finds:

A. The City has experienced five years of drought conditions which have resulted in the existence of a critical water shortage. The City's water is supplied by the Contra Costa Water District (the "District"). Earlier this year, the District informed the City that in 1991 the District would only deliver to the City 72% of the water used by the City in 1990 for all uses.

B. In response to the District's reduction of water delivered to the City, on April 15, 1991, the City Council adopted Ordinance No. 91-1003. That ordinance declared the existence of an emergency condition and imposed a voluntary water rationing program. The ordinance also raised rates charged for water within the City, and authorized the imposition of a mandatory water rationing program if the voluntary program failed to achieve the necessary reduction in water use.

C. The District has now notified the City that the District will deliver to the City 85% of the water used by the City in 1990 for all uses. This represents a 15% reduction, rather than the previously announced 28% reduction. This change allows the City to make immediate changes in its water conservation program, and allows a reduction in the rates the City charges for the delivery of water.

D. An emergency condition continues to exist in that ordinary demands and requirements of the consumers of the water treated by the City cannot be met without some reduction in the City's use of water. However, the reduction required is not as great as previously necessary. Voluntary steps are necessary to avoid the unnecessary depletion of available water supplies which could result in insufficient water for human consumption, sanitation and fire protection.



E. The City Council has determined that it is necessary to adopt this ordinance in order to reduce the use of water in the City. This ordinance is adopted pursuant to Government Code sections 36934 and 36937 and is necessary for the immediate preservation of the public health, peace or safety. This ordinance is necessary in order to conserve the water supply of the City for the greatest public benefit, with particular regard to public health, fire protection and domestic use; to conserve water by reducing waste; to reduce water use generally in a fair and equitable manner; and to avoid the payment of water rates in excess of those rates actually necessary and appropriate. A declaration of the facts constituting the urgency is as set forth in Section 1 of this ordinance. Ordinance No. 91-1003 is hereby amended in its entirety and repealed to the extent necessary to read as set forth herein.

F. Consistent with the District's reduced allocation to the City, it is the intent of this ordinance to reduce the total amount of water used in the City during 1991 by at least 15%. This requires steps to eliminate waste and non-essential use of water.

#### Section 2. Voluntary Reduction of Water Use.

While this ordinance is in effect, all water users in the City shall use their best efforts to voluntarily reduce their water consumption by 15% as compared to use during 1990.

#### Section 3. Waste of Water Prohibited.

A. No person shall waste any water provided by the City.

B. Waste of water shall include without limitation:

1. Permitting water to flow onto a sidewalk, driveway or street, or escape down a gutter, ditch or other service drain;

2. Irrigating landscaped areas with water in excess of that minimal amount required to sustain plant life, as determined by a staff water audit; and

3. Failing to repair a controllable leak of water.

#### Section 4. Non-essential Use of Water Prohibited.

A. No person shall use any water provided by the City for a non-essential purpose.

B. For purposes of this ordinance, each of the following is declared a non-essential use of water:

- (X)
1. Washing sidewalks, driveways, parking areas, tennis courts, patios or other exterior paved areas except to alleviate a condition inimical to the public health or safety;
  2. The use of water for decorative fountains or pools, except for recycled water approved for such use;
  3. Refilling a swimming pool unless done with recycled water or if required in a public pool for the preservation of the public health or safety;
  4. Filling a new swimming pool except with water from a source approved by the City Manager and acceptable to the Contra Costa County Health Department;
  5. Any use of water from a fire hydrant except for fire protection or a use approved by the City Manager which he deems necessary for the public health, safety or welfare;
  6. Watering landscaping planted after the effective date of this ordinance, except as approved by the City Manager as to landscaping planted in conjunction with a commercial use; and
  7. Using a hose without an automatic shut-off nozzle.

#### Section 5. Rules and Regulations.

The City Council may by resolution adopt rules to implement this ordinance (the "Rules"). The Rules shall be made available to the general public. Once adopted, a provision of the Rules shall have the same force and effect as any provision of this ordinance.

#### Section 6. Program Implementation.

Upon adoption of this ordinance, the City Manager shall take steps to implement Sections 1 through 5 of this ordinance as a voluntary water rationing program in the City, which program shall begin on August 6, 1991. Effective on that date and while the voluntary water rationing program is in effect, a violation of Sections 3 or 4 of this ordinance or of rules adopted to implement those sections shall subject a person to the penalties described in Section 8. A violation of any other section of this ordinance shall not subject a person to the penalties described in Section 8.

#### Section 7. Water Rates Reduced.

The City's costs in supplying water have decreased given the District's increased allocation to the City. Effective July 1, 1991, rates the City charges for the delivery of water shall be

reduced to a level that is 4.8% less than the rates charged as of June 30, 1991.

Section 8.       Penalty for Violation.

A.   Except as otherwise set forth in this section, a violation of this ordinance is an infraction, punishable as set forth in Government Code section 36900 as follows:

1.   A fine of one hundred dollars (\$100.00) for a first violation;

2.   A fine of two hundred dollars (\$200.00) for a second violation within one year; and

3.   A fine of five hundred dollars (\$500.00) for a third violation within one year.

B.   A violation of this ordinance which would otherwise be an infraction is a misdemeanor if a defendant has been convicted of two or more violations of this ordinance within one year preceding the commission of the offense. For this purpose a bail forfeiture is a conviction of the offense charged. A person convicted of a misdemeanor under this ordinance shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment in the county jail for a period of not more than six months, or both. The City may in its discretion prosecute a third violation within one year as an infraction.

C.   Each person is guilty of a separate offense for each and every day during any portion of which the violation of this ordinance is committed, continued, or permitted by that person.

D.   In addition to the penalty provided, a condition caused or permitted to exist in violation of this ordinance, whether the violation is an infraction or a misdemeanor, is a public nuisance. It may be abated in accordance with Pittsburgh Municipal Code Chapter 1.24 or by civil action. Each day that the condition continues is a new and separate offense.

E.   The provisions of this ordinance shall be enforced as described in Pittsburgh Municipal Code Chapter 1.16. The City Manager shall designate the City employees which have responsibility for enforcing this ordinance. A City employee enforcing this ordinance shall have the authority to issue a warning before citing a violation of this ordinance, and shall do so in writing before citing a first violation.

Section 9.       Supersedes Conflicting Provisions.

The provisions of this ordinance supersede any conflicting provisions contained in the Pittsburgh Municipal Code, including



without limitation the provisions of Title 13, Water and Sewers.

Section 10. Effective Date.

This ordinance takes effect immediately and shall remain in effect until repealed or modified by the City Council.

Section 11. Categorical Exemption.

The City Council finds that the adoption of this ordinance is categorically exempt from the provisions of the California Environmental Quality Act under Public Resources Code section 21080(b)(4), because this ordinance contains specific action necessary to prevent or mitigate an emergency. The City Manager is directed to file an appropriate notice of exemption.

Section 12. Publication.

The City Clerk shall have this ordinance published within 15 days after its adoption in a newspaper of general circulation.

The foregoing ordinance was adopted by a four-fifths vote of the Council and ordered published at a meeting of the Council held on August 5, 1991 as follows:

AYES: Members Currie, Davis, Lewis, Parent, Mayor  
Canciamilla

NOES: None.

ABSENT: None.

ABSTAIN: None.



Joseph E. Canciamilla, Mayor

Attest:



Mary Erbez, City Clerk

ordinance\water.2

# PROOF OF PUBLICATION

(2015.5 C.C.P.)

STATE OF CALIFORNIA  
County of Contra Costa

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter.

I am the Principal Legal Clerk of the California Delta Newspapers, Inc. A newspaper of general circulation, printed and published at 1650 Cavallo Road in the City of Antioch, County of Contra Costa, 94509.

And which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Contra Costa, State of California, under the date of March 26, 1870. Case Number 7467370.

The notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:  
AUGUST 12

all in the year of 19 91.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Executed at Antioch, California.

On this 12 day of AUGUST, 19 91.

  
Signature

California Delta Newspapers, Inc.  
Daily Ledger • Post Dispatch • Brentwood News  
P.O. Box 2299  
Antioch, CA 94531-2299  
(415) 757-2525

91-961  
Proof of Publication of  
ORDINANCE NO. 91-1013  
WATER CONSERVATION

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG  
In the Matter of:

Amending Ordinance No. 91-1003  
Regarding Conservation of Water,  
Revising Water Rates and Declaring  
this to be an Urgency Measure ) Ordinance No. 91-1013

The City Council of the City of Pittsburg DOES ORDAIN as follows:  
Section 1. Findings and Purpose.

The City Council hereby finds:  
A. The City has experienced five years of drought conditions which have resulted in the existence of a critical water shortage. The City's water is supplied by the Contra Costa Water District (the "District"). Earlier this year, the District informed the City that in 1991 the District would only deliver to the City 72% of the water used by the City in 1990 for all uses.

B. In response to the District's reduction of water delivered to the City, on April 1991, the City Council adopted Ordinance No. 91-1003. That ordinance declared the existence of an emergency condition and imposed a voluntary water rationing program. The ordinance also raised rates charged for water within the City, and authorized the imposition of a mandatory water rationing program if the voluntary program failed to achieve the necessary reduction in water use.

C. The District has now notified the City that the District will deliver to the City 72% of the water used by the City in 1990 for all uses. This represents a 15% reduction rather than the previously announced 28% reduction. This change allows the City to make immediate changes in its water conservation program, and allows a reduction in the rates the City charges for the delivery of water.

D. An emergency condition continues to exist in that ordinary demands and requirements of the consumers of the water treated by the City cannot be met without a reduction in the City's use of water. However, the reduction required is not as great as previously necessary. Voluntary steps are necessary to avoid the unnecessary depletion of available water supplies which could result in insufficient water for human consumption, sanitation and fire protection.

E. The City Council has determined that it is necessary to adopt this ordinance in order to reduce the use of water in the City. This ordinance is adopted pursuant to Government Code sections 36634 and 36637 and is necessary for the immediate preservation of the public health, peace or safety. This ordinance is necessary in order to conserve the water supply of the City for the greatest public benefit, with particular regard to public health, fire protection and domestic use; to conserve water by reducing waste; to reduce water use generally in a fair and equitable manner; and to avoid the payment of water rates in excess of those rates actually necessary and appropriate. A declaration of the facts constituting the urgency is as set forth in Section 1 of this ordinance. Ordinance No. 91-1003 is hereby amended in its entirety and repealed to the extent necessary to read as set forth herein.

F. Consistent with the District's reduced allocation to the City, it is the intent of this ordinance to reduce the total amount of water used in the City during 1991 by at least 15%. This requires steps to eliminate waste and non-essential use of water.

Section 2. Voluntary Reduction of Water Use.  
While this ordinance is in effect, all water users in the City shall use their best effort to voluntarily reduce their water consumption by 15% as compared to use during 1990.

Section 3. Waste of Water Prohibited.

A. No person shall waste any water provided by the City.  
B. Waste of water shall include without limitation:  
1. Permitting water to flow onto a sidewalk, driveway or street, or escape down gutter, ditch or other service drain;  
2. Irrigating lawns or gardens with more than the minimal amount required to sustain plant life; or  
3. Failing to repair a leaking faucet or toilet.

Section 4. Non-essential Use Prohibited.  
A. No person shall use any water provided by the City for a non-essential purpose.

B. For purposes of this Ordinance, each of the following is declared a non-essential use of water:

1. Washing sidewalks, driveways, parking areas, tennis courts, patios or other exterior paved areas except to maintain a condition essential to the public health or safety;

2. The use of water for decorative fountains or pools, except for recycled water approved for such use;

3. Refilling a swimming pool unless done with recycled water or if required in a public pool for the preservation of the public health or safety;

4. Filling a new swimming pool except with water from a source approved by the City Manager and acceptable to the Contra Costa County Health Department;

5. Any use of water from a fire hydrant except for fire protection or a use approved by the City Manager which he deems necessary for the public health, safety or welfare;

6. Watering landscaping planted after the effective date of this ordinance, except as approved by the City Manager as to landscaping planted in conjunction with a commercial use; and

7. Using a hose without an automatic shut-off nozzle.

#### Section 5. Rules and Regulations.

The City Council may by resolution adopt rules to implement this Ordinance (the "Rules"). The Rules shall be made available to the general public. Once adopted, a provision of the Rules shall have the same force and effect as any provision of this ordinance.

#### Section 6. Program Implementation.

Upon adoption of this ordinance, the City Manager shall take steps to implement Sections 1 through 5 of this ordinance as a voluntary water rationing program in the City, which program shall begin on August 6, 1991. Effective on that date and while the voluntary water rationing program is in effect, a violation of Sections 3 or 4 of this ordinance or of rules adopted to implement these sections shall subject a person to the penalties described in Section 8. A violation of any other section of this ordinance shall not subject a person to the penalties described in Section 8.

#### Section 7. Water Rates Reduced.

The City's costs in supplying water have decreased given the District's increased allocation to the City. Effective July 1, 1991, rates the City charges for the delivery of water shall be reduced to a level that is 4.8% less than the rates charged as of June 30, 1991.

#### Section 8. Penalty for Violation.

A. Except as otherwise set forth in this section, a violation of this ordinance is an infraction, punishable as set forth in Government Code section 36000 as follows:

1. A fine of one hundred dollars (\$100.00) for a first violation;

2. A fine of two hundred dollars (\$200.00) for a second violation within one year; and

3. A fine of five hundred dollars (\$500.00) for a third violation within one year.

B. A violation of this ordinance which would otherwise be an infraction is a misdemeanor if a defendant has been convicted of two or more violations of this ordinance within one year preceding the commission of the offense. For this purpose a bail forfeiture is a conviction of the offense charged. A person convicted of a misdemeanor under this ordinance shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment in the county jail for a period of not more than six months, or both. The City may in its discretion prosecute a third violation within one year as an infraction.

C. Each person is guilty of a separate offense for each and every day during any portion of which the violation of this ordinance is committed, continued, or permitted by that person.

D. In addition to the penalty provided, a condition caused or permitted to exist in violation of this ordinance, whether the violation is an infraction or a misdemeanor, is a public nuisance. It may be abated in accordance with Pittsburg Municipal Code Chapter 1.24 or by civil action. Each day that the condition continues is a new and separate offense.

E. The provisions of this ordinance shall be enforced as described in Pittsburg Municipal Code Chapter 1.16. The City Manager shall designate the city employees which have responsibility for enforcing this ordinance. A City employee enforcing this ordinance shall have the authority to issue a warning before citing a violation of this ordinance, and shall do so in writing before citing a first violation.

#### Section 9. Supersedes Conflicting Provisions.

The provisions of this ordinance supersede any conflicting provisions contained in the Pittsburg Municipal Code, including without limitation the provisions of Title 13, Water and Sewers.

#### Section 10. Effective Date.

This ordinance takes effect immediately and shall remain in effect until repealed or modified by the City Council.

#### Section 11. Categorical Exemption.

The City Council finds that the adoption of this ordinance is categorically exempt from the provisions of the California Environmental Quality Act under Public Resources Code section 21000(b)(4), because this ordinance contains specific action necessary to prevent or mitigate an emergency. The City Manager is directed to find an appropriate notice of exemption.

#### Section 12. Publication.

The City Clerk shall have this ordinance published within 15 days after its adoption in a newspaper of general circulation.

The foregoing ordinance was adopted by a four-fifths vote of the Council and ordered published at a meeting of the Council held on August 5, 1991 as follows:

AYES: Members Currie, Davis, Lewis, Parent, Mayor Canciamilla

NOES: None.

ABSENT: None.

ABSTAIN: None.

s/ Joseph E. Canciamilla, Mayor

Attest:

s/ Mary Ellen, City Clerk

Legal 91001

Publish: Aug. 12, 1991

## APPENDIX C

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

**In the Matter of:**

A Resolution of the City Council )  
of the City of Pittsburg Adopting )  
the Urban Water Shortage Contingency ) RESOLUTION No. 92-7772  
Plan of said City and Directing the )  
Implementation of the Plan )

WHEREAS, the California Legislature enacted Assembly Bill 11 during the 1991-1992 First Extraordinary Session of the California Legislature to amend the Urban Water Management Planning Act (Assembly Bill 797: Water Code Sections 10621 (a) and 10631 (e)), to mandate that every urban supplier of water providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre feet of water annually, prepare an Urban Water Shortage Contingency Plan, the primary objective of which is to plan for water shortage emergencies; and

WHEREAS, AB 11 requires that said plan be adopted after public review and hearing, and filed with the California Department of Water Resources within thirty days of adoption; and

WHEREAS, the City of Pittsburgh is an urban supplier of water providing water to over 11,000 treated water customer connections, and has, therefore, prepared and circulated for public review a Draft 1992 Urban Water Shortage Contingency Plan, in compliance with the requirements of AB 11, and a properly noticed public hearing regarding said 1992 Draft Plan was held by the City Council on February 18, 1992, and a Final Plan prepared; now therefore,

BE IT RESOLVED by the City Council of the City of Pittsburg as follows:

1. This Council does hereby find, determine and declare that:

a. This City of Pittsburgh has prepared said plan, a copy of which is attached hereto, marked Exhibit "A" and incorporated herein.

b. A copy of the proposed Plan has been available for public inspection at the principal office of the City of Pittsburgh continuously since February 3, 1992.

C. On February 18, 1992 this Council held a public hearing on the proposed Plan. Notice of the time and place of said hearing was published in the Post Dispatch on February 5, 1992 and

2. The Urban Water Shortage Contingency Plan attached hereto and marked Exhibit A is hereby approved and adopted.

3. The City Clerk of the City of Pittsburg is directed to file three copies of the Plan with Water Conservation Office of the California Department of Water Resources.

4. The City Manager of this City is authorized and directed to implement the Plan. The City Manager shall from time to time submit to this Council recommended policies and actions to carry out effective and equitable water conservation and allocation programs.

AYES: Councilperson Lewis, Canciamilla, Davis and Mayor Currie

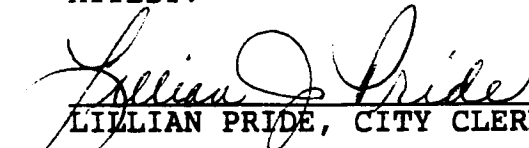
NAYS: None

ABSTAINED: None

ABSENT: Councilperson Erbez

  
\_\_\_\_\_  
RONALD CURRIE, MAYOR

ATTEST:

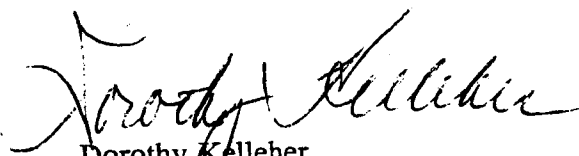
  
\_\_\_\_\_  
LILLIAN PRIDE, CITY CLERK



## City of Pittsburg

Civic Center • P.O. Box 1518 • Pittsburg, California 94565

NOTICE IS HEREBY GIVEN that the City Council of the City of Pittsburg will hold a public hearing, for the purpose of adopting the urban water shortage contingency plan and directing the implementation of the plan, on February 18, 1992, at 7:00 P.M., or as soon thereafter as can be heard, at the City Council Chambers, 65 Civic Drive.

  
Dorothy Kelleher  
Deputy Clerk for  
Lillian Pride, City Clerk

Dated: January 31, 1992

# PROOF OF PUBLICATION

(2015.5 C.C.P.)

STATE OF CALIFORNIA  
County of Contra Costa

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter.

I am the Principal Legal Clerk of the California Delta Newspapers, Inc. A newspaper of general circulation, printed and published at 1650 Cavallo Road in the City of Antioch, County of Contra Costa, 94509.

And which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Contra Costa, State of California, under the date of March 26, 1870. Case Number 7467370.

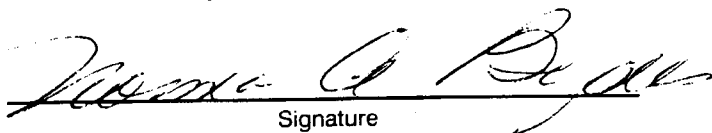
The notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:  
FEB. 5

all in the year of 19\_\_92.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Executed at Antioch, California.

On this 5 day of FEB., 19\_\_92.

  
Signature

California Delta Newspapers, Inc.  
Daily Ledger • Post Dispatch and Brentwood News  
P.O. Box 2299  
Antioch, CA 94531-2299  
(510) 757-2525

Proof of Publication of 92-198

NOTICE OF PUBLIC HEARING

WATER SHORTAGE CONTINGENCY PLAN

**NOTICE IS HEREBY GIVEN** that the City Council of the City of Pittsburg will hold a public hearing, for the purpose of adopting the urban water shortage contingency plan and directing the implementation of the plan, on February 18, 1992, at 7:00 P.M., or as soon thereafter as can be heard, at the City Council Chambers, 65 Civic Drive.  
/s/ Dorothy Kelleher  
Deputy Clerk for  
Lillian Pride,  
City Clerk  
Legal 92-198  
Published: February 5, 1992



## **APPENDIX D**

**PROOF OF PUBLICATION  
(2015.5 C.C.P.)**

STATE OF CALIFORNIA  
County of Contra Costa

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter.

I am the Principal Legal Clerk of the East County Times, newspapers of general circulation, printed and published at 2640 Shadelands Drive in the City of Walnut Creek, County of Contra Costa, 94598.

And which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Contra Costa, State of California, under the date of January 6, 1919. Case Number 8288.

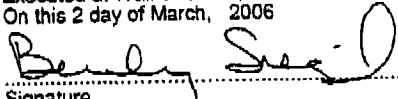
The notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

February 3, 6

all in the year of 2006

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Executed at Walnut Creek, California.  
On this 2 day of March, 2006

  
.....  
Signature

East County Times  
1700 Cavallo Road  
Antioch, CA 94509  
(925) 779-7115

Proof of Publication of:  
(attached is a copy of the legal advertisement that published)

**CITY OF PITTSBURG**

**NOTICE OF PUBLIC HEARING  
and  
Availability of draft 2005 Urban Water Management  
Plan for Public Review**

**NOTICE IS HEREBY GIVEN:**

A public hearing will be held before the City Council of the City of Pittsburg to consider adoption of the 2005 Urban Water Management Plan.

The hearing will be held in the City Council Chambers, 65 Civic Avenue, Pittsburg, California, on February 21, 2006 at 7:00 p.m. or as soon as it can be heard.

Copies of the draft 2005 draft Urban Water Management Plan are available for inspection at the following Pittsburg locations:

- Pittsburg Public Library  
80 Power Ave.
- Pittsburg City Hall,  
City Clerk's Office  
65 Civic Ave.

Proponents, opponents and any interested persons may be heard on this matter at this time. Further information may be obtained by contacting Water Pease, Assistant Director of Public Works, (925) 252-6966.

Written comments can be sent to the City of Pittsburg Public Works Department, 65 Civic Ave, Pittsburg, 94565 until February 16, 2006.

If you wish to challenge the action taken on this matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Pittsburg, at, or prior to, the public hearing.  
Legal EC 5910  
Publish: February 3, 6, 2006

**BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG**

**In the Matter of:**

**RESOLUTION NO. 06-10485**

**Adopting the 2005 Urban )  
Water Management Plan )**

The PITTSBURG City Council DOES RESOLVE as follows:

**WHEREAS**, the city of Pittsburg operates and maintains a potable water system for Pittsburg water customers; and

**WHEREAS** as a municipal water service provider to more than 3,000 customers, the city of Pittsburg is required by the Water Code of the State of California (Water Code section 10610 et seq., known as the Urban Water Management Planning Act) to develop an Urban Water Management Plan every five (5) years.

**NOW, THEREFORE**, the City Council finds and determines as follows:

**Section 1. Findings**

- A. The recitals set forth above are true and correct statements and are hereby incorporated.
- B. The 2005 Urban Water Management Plan (Plan) for the city of Pittsburg was prepared following applicable standards developed by the California Department of Water Resources and represents the City's effort to meet applicable standards under the Water Planning Act.
- C. The Plan was developed by City staff in coordination with water supply information provided by Contra Costa Water District and information provided by other applicable sources.
- D. That the Plan was considered at a Public Hearing duly scheduled as required by provisions of the Water Planning Act
- E. That the City of Pittsburg 2005 Urban Water Management Plan be approved.

**Section 2. Authorization**

- A. The Public Works Director is authorized and directed to submit the Plan to the California Department of Water Resources, the California State Library and Contra Costa County within 30 days of adoption.

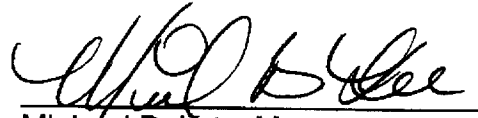
**PASSED AND ADOPTED** by the City Council of the City of PITTSBURG at a regular meeting on the 21<sup>st</sup> day of February 2006, by the following vote:

AYES: Member Casey, Glynn, Johnson, Parent, and Mayor Kee


NOES: None

ABSTAINED: None

ABSENT: None

  
Michael B. Kee, Mayor

ATTEST:

  
Lillian J. Pride, City Clerk